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On ❖[date], a Scheduling Conference was held in open Court pursuant to Rule 16(b) of the Federal Rules of Civil Procedure. Prior to the conference, the parties filed a joint Rule 26(f) Proposed Case Management Plan. Pursuant to the terms of the Plan and the representations made by the parties at the Scheduling Conference, all parties were ordered to comply with the deadlines established in this Order.

IT IS THEREFORE ORDERED that the current provisions of the Federal Rules of Civil Procedure shall apply to all proceedings concerning this case.

IT IS FURTHER ORDERED that all Initial Disclosures as defined in Federal Rule of Civil Procedure 26(a), if not already exchanged prior to the time of the Scheduling Conference, shall be made **no later than ten (10) days** after the entry of this Order or, in the alternative, no later than ❖.

IT IS FURTHER ORDERED that to satisfy the requirements of Federal Rule of Civil Procedure 26(a), the parties shall file with the Clerk of the Court a Notice of Initial

1 Disclosure rather than copies of the actual disclosures.

2 **IT IS FURTHER ORDERED** that any motion to amend the Complaint shall be filed
3 no later than ❖. If no amended complaint is filed, any motion to amend the Answer shall
4 be filed no later than ❖.

5 **IT IS FURTHER ORDERED** that the Plaintiff(s) shall disclose the identity of any
6 person who may be used at trial to present evidence under Federal Rules of Evidence 702,
7 703, 704, and 705 no later than ❖.¹ The Defendant(s) shall disclose the identity of any
8 person who may be used at trial to present evidence under Federal Rules of Evidence 702,
9 703, 704, or 705 no later than ❖. Rebuttal expert disclosure, if any, shall be made no later
10 than ❖. No deposition of any expert witnesses shall occur before the disclosures concerning
11 expert witnesses mandated by this Order are made.

12 **IT IS FURTHER ORDERED** that the disclosures of the identities of any persons
13 who may be used at trial to present evidence under Federal Rules of Evidence 702, 703, 704,
14 or 705 shall also include all of the disclosures required by Federal Rule of Civil Procedure
15 26(a)(2)(B)² if the witness is either (1) retained or specifically employed to provide expert
16 testimony in the case, or (2) is an agent or employee of the party offering the testimony
17 whose duties regularly involve giving expert testimony.

18 **IT IS FURTHER ORDERED** that all discovery, including depositions of parties,
19 witnesses, and experts, answers to interrogatories, and supplements to interrogatories must
20 be completed by ❖. In no event, however, shall this provision alter the duties and
21 obligations imposed upon the parties by Federal Rule of Civil Procedure 26(e). This Order
22 contemplates that each party will conduct discovery in an expeditious manner so as to
23
24

25
26 ¹ The parties are hereby given notice that this Order requires disclosure greater than
that required by Federal Rule of Civil Procedure 26(a)(2).

27 ² **In the event A.R.S. § 12-2506 is deemed to require notice of a non-party at fault,**
28 **that notice shall be due 60 (sixty) days from the date of this Order.**

1 **complete, within the deadline, any and all discovery.**³

2 **IT IS FURTHER ORDERED** that depositions shall be limited as provided by Rules
3 30 and 31 of the Federal Rules of Civil Procedure and as provided by the presumptive
4 discovery rules established in Civil Local Rule 16.2, Rules of Practice for the United States
5 District Court for the District of Arizona (“Civil Local Rules”), unless the parties otherwise
6 stipulate in writing when permitted to do so pursuant to the Rules or when granted
7 permission to depart from the provisions of the Rules by Order of this Court. To the extent
8 that the Federal Rules of Civil Procedure differ from Civil Local Rule 16.2, the provisions
9 of the Civil Local Rules shall govern.

10 **IT IS FURTHER ORDERED** that notwithstanding any provisions of the Federal
11 Rules of Civil Procedure or any other provisions of this Order, non-party witnesses shall **not**
12 be permitted to attend, either physically, electronically, or otherwise, the deposition of any
13 other witness in this case without an Order of this Court to the contrary.

14 **IT IS FURTHER ORDERED** that discovery by interrogatory shall generally be
15 governed by Federal Rule of Civil Procedure 33. However, notwithstanding Civil Local
16 Rule 16.2 or Federal Rule of Civil Procedure 33, there is a limit of ❖ interrogatories,
17 including discrete sub-parts, applicable to this case.

18 **IT IS FURTHER ORDERED** reminding counsel of their duty under Rule 26(e) of
19 the Federal Rules of Civil Procedure to supplement all Rule 26(a) disclosures and responses
20 to discovery requests. Pursuant to Rule 26(e)(1), any additions or other changes to
21

22 ³ As set forth in the Order Setting Rule 16 Scheduling Conference, the Court will **not**
23 entertain discovery disputes after the close of discovery barring extraordinary circumstances.
24 Therefore, the parties shall **complete** all discovery by the deadline set forth in this Order
25 (**complete** being defined as including the time to propound discovery, the time to answer all
26 propounded discovery, the time for the Court to resolve all discovery disputes, and the time
27 to complete any final discovery necessitated by the Court’s ruling on any discovery
28 disputes). Thus, “last minute” or “eleventh hour” discovery which results in insufficient time
to undertake additional discovery and which requires an extension of the discovery deadline
will be met with disfavor, and may result in denial of an extension, exclusion of evidence,
or the imposition of other sanctions.

1 information previously disclosed must be made prior to the time that Rule 26(a)(3) Pretrial
2 Disclosures are due. Since this Court effectively requires all Rule 26(a)(3) Pretrial
3 Disclosures to be contained in the **joint** Proposed Final Pretrial Order, this Order
4 contemplates that all exhibits and witnesses that may be offered at trial will have been
5 disclosed before the close of discovery as established by the provisions of this Order.
6 This Order therefore supersedes the “thirty-day before trial” disclosure deadline contained
7 in that Rule. Therefore (1) failure to have timely supplemented a Rule 26(a) disclosure,
8 including but not limited to witnesses and exhibits, (2) failure to have timely supplemented
9 responses to any valid discovery requests, or (3) attempting to include any witnesses or
10 exhibits in the **joint** Proposed Final Pretrial Order that were not previously disclosed in a
11 timely manner so as to allow for meaningful discovery prior to the discovery deadline set
12 forth in this Order, may result in the exclusion of such evidence at trial or the imposition of
13 other sanctions.

14 **IT IS FURTHER ORDERED** that, **in the event of a discovery dispute, the parties**
15 **shall jointly contact the Court via conference call to request a telephonic conference**
16 **prior to filing any written discovery motions.** The parties shall **not** contact the Court
17 regarding a discovery dispute unless they have been unable to resolve the dispute themselves
18 after personal consultation and sincere efforts to do so. The parties shall **not** file any written
19 materials related to a discovery dispute without express leave of Court. If the Court does
20 order written submissions, the movant shall include a statement certifying that counsel could
21 not satisfactorily resolve the matter after personal consultation and sincere efforts to do so
22 in accordance with Civil Local Rule 7.2(j).

23 **IT IS FURTHER ORDERED** that all dispositive motions shall be filed no later than
24 **❖**. Such motions must be, in all respects, in full compliance with the Civil Local Rules.

25 **IT IS FURTHER ORDERED** that each party shall file **no more than one motion**
26 **for summary judgment** unless leave of Court is obtained. To obtain leave of Court, a party
27 shall file a motion setting forth the reasons justifying the filing of more than one summary
28 judgment motion and/or the reasons the party seeks leave to exceed the page limits set forth

1 in Civil Local Rule 7.2(e).

2 **IT IS FURTHER ORDERED** that all parties are hereby specifically admonished that
3 failure to respond to a motion by serving and filing an answering memorandum within the
4 time period expressly provided for in Civil Local Rule 7.2(c), 56.1(b) and/or 12.1(b) may be
5 deemed a consent to the denial or granting of the motion and the Court may dispose of the
6 motion summarily pursuant to Civil Local Rule 7.2(i).

7 **IT IS FURTHER ORDERED** that, the parties shall not notice oral argument on any
8 motion. Instead, a party desiring oral argument on a motion shall request argument by
9 placing **“Oral Argument Requested”** immediately below the title of such motion. The
10 Court will then issue a minute entry order scheduling the oral argument if it deems one
11 necessary.

12 Oral argument shall be scheduled at the request of a party on all motions to dismiss
13 and motions for summary judgment. On all other motions on which a party requests oral
14 argument as set forth above, the Court will determine whether oral argument is necessary.
15 The parties are reminded that obtaining oral argument is purely administrative. Accordingly,
16 regardless of a scheduled oral argument, the Court may, at any time, determine that oral
17 argument is unwarranted and rule on the motion without oral argument.

18 **IT IS FURTHER ORDERED** that any and all motions, requests, or stipulations for
19 extensions of time shall be made in accordance with the provisions of Civil Local Rule 7.3.
20 Notwithstanding this directive, however, if such motion, request, or stipulation seeks an
21 extension of time in which to file a memorandum in response or in reply to a motion
22 previously noticed for oral argument, under no circumstances shall such motion, request, or
23 stipulation seek an extension that would preclude the Court from having at least **thirty (30)**
24 **days** from the due date for the filing of the reply memorandum to consider the merits of the
25 underlying motion unless the motion, request, or stipulation also seeks to vacate and
26 reschedule the oral argument. Any motion, request, or stipulation that seeks both an
27 extension of time and the rescheduling of oral argument shall contain a memorandum of
28 points and authorities that demonstrates good cause for the Court to grant the requested

1 extension. The deadlines set forth in this Order are the deadlines by which a party must file
2 documents with the Court, in addition to serving opposing counsel, notwithstanding Federal
3 Rule of Civil Procedure 5(d).

4 **IT IS FURTHER ORDERED** that, if no dispositive motions are pending before the
5 Court after the dispositive motion deadline has passed, **Plaintiff(s) shall file and serve a**
6 **Notice of Readiness for Final Pretrial Conference within ten (10) days of the dispositive**
7 **motion deadline.**

8 **IT IS FURTHER ORDERED** that, if dispositive motions are pending before the
9 Court following the dispositive motions deadline, **Plaintiff(s) shall file and serve a Notice**
10 **of Readiness for Final Pretrial Conference within ten (10) days of the resolution of the**
11 **last dispositive motion.**⁴

12 **IT IS FURTHER ORDERED** that the Order Setting Final Pretrial Conference will:
13 (1) set deadlines for the filing of and response to motions in limine; (2) instruct the parties
14 on their duties in preparing for the Final Pretrial Conference and for trial; and (3) include a
15 form for the completion of the parties' **joint** Proposed Final Pretrial Order.

16 **IT IS FURTHER ORDERED** that because the deadlines set forth herein will trigger
17 setting a trial date, the Court deems these deadlines to be the equivalent of a firm trial date.⁵

18 **IT IS FURTHER ORDERED** that the parties shall keep the Court informed
19 regarding the possibility of settlement and, should settlement be reached, the parties shall file
20 a Notice of Settlement with the Clerk of the Court.

21
22 ⁴ Though the Court discourages the filing of motions for reconsideration, should a party
23 choose to file a motion for reconsideration of an interlocutory order, such party shall file
24 such motion under the standard set forth in *Motorola, Inc. v. J.B. Rogers Mechanical*
25 *Contractors, Inc.*, 215 F.R.D. 581, 586 (D. Ariz. 2003).

26 ⁵ Additionally, it is not unusual for the Court to set a trial date within 60 days of the
27 resolution of the last pending dispositive motion (or within 30 days of the final pretrial
28 conference). Therefore, the parties can calculate approximately when their trial date will be
based on either the resolution of the last pending dispositive motion, or the setting of the
final pretrial conference.

IT IS FURTHER ORDERED that the Court views compliance with the provisions of this Order as critical to its case management responsibilities and the responsibilities of the parties under Rule 1 of the Federal Rules of Civil Procedure.

DATED this ____ day of _____, 2006.

James A. Teilborg
United States District Judge